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PRESS RELEASE **18 March 1992**

East Timorese defendants in Dili denied choice of lawyers

Two East Timorese prisoners who face subversion charges in Dili, East Timor, have been prevented from appointing their own lawyers and forced to accept a lawyer appointed by the court. The Legal Aid Institute (LBH) in Jakarta which was appointed by the families of the two men to represent them, said in a press release in Jakarta today that the consequences of this unlawful decision of the court are "extremely serious". It means that the trial should be deemed as proceeding without the presence of defence counsel. The sessions of both trials already held should be declared invalid and proceedings should re-commence only after the court complies with Article 55 of the Procedural Code which says that a defendant has the right to appoint his own lawyer.

The LBH statement came after the second of the two subversion trials opened in Dili today. *Gregorio da Cunha Saldanha*, 29 was charged under the anti-subversion law and faces a maximum penalty of death. He is accused of organising a peaceful demonstration in Dili on 12 November 1991 which ended in a massacre when troops opened fire killing up to 200 people and injuring many more.

When *Francisco Miranda Branco*'s trial opened in Dili last week, the court refused the LBH permission to act, saying that it lacked the authorisation of the High Court in Kupang. The LBH has since obtained a ruling from the Supreme Court confirming that such authorisation is not necessary.

It may come as a surprise that the Dili court should have ignored the Supreme Court's ruling. But there is evidence of interference by the military commander of East Timor, Brig.Gen. Theo Syafei, who told the press yesterday that he saw no reason why the accused should have a lawyer other than the one appointed to assist him until now. Syafei's remarks reflect the army's determination to exert pressure on the court to exclude the LBH.

Foreign journalists are banned from entering East Timor at present; a jurist appointed to observe the Dili trials by the International Commission of Jurists is still being prevented from going to Dili. If the LBH is not permitted to conduct the defence, the chances of monitoring the proceedings are remote.